

CONCORD CITY COUNCIL
WORK SESSION MEETING
JULY 11, 2023

The City Council for the City of Concord, North Carolina, held the scheduled City Council Work Session in the 3rd floor City Hall Council Chambers located at 35 Cabarrus Ave, W, on July 11, 2023, at 4:00 p.m. with Mayor William C. Dusch presiding.

Council members were present as follows:

Members Present:

Mayor Pro-Tem JC McKenzie
Council Member Andy Langford joined the meeting via Zoom
Council Member W. Brian King
Council Member Betty M. Stocks
Council Member Terry L. Crawford
Council Member Jennifer Parsley-Hubbard
Council Member John A. Sweat, Jr.

Others Present:

City Manager, Lloyd Wm. Payne, Jr.
City Attorney, Valerie Kolczynski
City Clerk, Kim J. Deason
Department Directors

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The following agenda was presented for discussion:

Presentations:

Mayor Dusch presented a retirement plaque recognizing Bob Dowless for over 19 years of service with the City of Concord.

Recognition of Charlie Bridges for over 20 years of service to the City of Concord.

Presentation to Aviation Director, Dirk Vanderleest, for earning the distinction of "Accredited Airport Executive" through the American Association of Airport Executives.

Presentation to Jackson Joseph and the City of Concord Cemetery Maintenance Crew from Fred Y. McConnell American Legion Post 51 for their dedication and care given to the 1,531 documented war casualties and veterans buried in Oakwood Cemetery.

Presentation of Certificates of Appreciation to Jean King, Steve Bradley and Cesar Correa for their six years of dedicated service to the City of Concord Planning and Zoning Commission and Board of Adjustment.

Presentation of the Concord Kannapolis Area Transit (Rider) NCPTA 2023 Safety Award. Concord Kannapolis Area Transit (Rider) received a 2023 Safety Award for Urban/Regional/Small Urban Fixed Route under One Million miles from the North Carolina Public Transportation Association. The award timeframe covers January 1, 2022 through December 31, 2022.

FY 2023-2024 Budget Video

Unfinished Business:

Continue a public hearing and consider adopting an ordinance annexing +/- 47.52 acres at 1085 Copperfield Blvd, p/o PIN 5622-65-8770, owned by Copperfield, Inc.

As a request from the petitioner at the June 8, 2023 City Council meeting, the City Council continued this matter until the July 13, 2023 City Council meeting. The petitioner is again requesting continuance of this request until the August 10, 2023 City Council meeting.

A motion was made by Council Member Crawford and seconded by Council Member King to continue the public hearing until the August 10, 2023 City Council meeting—the vote: all aye.

Informational Items:

Geraldine Gardner, Centralina Regional Council, to receive final feedback from Council regarding the timeline/proposed plan to update the City's Strategic Plan.

Ms. Gardner explained the session objectives and the timeline. She also explained the recommended components for the survey.

She stated she and her team would return in September to present ideas and receive Council's feedback.

Departmental Reports:

Staff will provide an update on the Downtown Streetscape project at the July 13th City Council meeting.

Public Hearings:

Conduct a public hearing pursuant to North Carolina General Statutes Sec. 158-7.1 to consider granting a three-year/85% tax-based economic development incentive grant to MS Assets, LLC, and MS XTEC, LLC, to develop a new North American headquarters facility focusing on powertrain technology located at 570 Pitts School Road, Concord, North Carolina 28027 and having an investment of approximately \$6,849,000 in real and personal property.

The Cabarrus Economic Development Corporation (EDC) Project Manager, Samantha Grass, stated MS Assets, LLC, and MS XTEC, LLC, propose to develop an approximately 46,500 SF facility that will serve as the North American headquarters focusing on powertrain technology. They propose to invest approximately \$6,849,000 in real and personal property. The project expects to create approximately 39 new jobs with full-time average hourly wages of approximately \$34 per hour. The total value of the City's three-year grant is estimated to equal \$47,396 depending on the actual investment. The City would collect a three-year net revenue of \$8,364 after the incentive payment.

Conduct a public hearing pursuant to North Carolina General Statutes Sec. 158-7.1 to consider granting a one-year/85% tax-based infrastructure development grant to Old Dominion Freight Line, Inc., to locate at 2980 New Town Way SW, Concord, North Carolina 28027 and having an investment of approximately \$18,000,000 in real and personal property.

The Cabarrus Economic Development Corporation (EDC) Project Manager stated Old Dominion Freight Line, Inc., proposes to develop an approximately 60,000 SF Interstate Motor Freight Terminal to allow for a Less Than Truckload one and two-day deliveries of goods and commodities needed to support local and interstate commerce. They are proposing to invest approximately \$18,000,000 in real and personal property. The estimated infrastructure costs for utilities, site work, and site development are \$183,016 (\$210,468.40 including 15% contingency).

The facility will include approximately 102 dock doors with trailer, tractor, and employee parking and will be constructed on an approximately 40-acre site. The project expects to create approximately 100 new jobs with full-time average wages of approximately \$80,000 and hourly wages of approximately \$25-\$30 per hour. The total value of the City's one-year grant is estimated to equal \$73,440 depending on the actual investment. The City would collect a one-year net revenue of \$12,960 after the incentive payment.

Conduct a public hearing and consider adopting a resolution providing approval of a multifamily housing facility to be known as Coleman Mill Lofts and the financing thereof with multifamily housing revenue bonds in an aggregate principal amount not to exceed \$20,630,000.

The Community Development Manager, Mary Carr, stated City Council previously approved an allocation of \$19,130,000 but the developer is now requesting an increase to the bond amount of \$1,500,000 for a new total of \$20,630,000. In order to issue the higher amount of bonds, a new public hearing must be held and the updated TEFRA approval resolution must be approved.

She stated the new investor has requested this amount to serve as a cushion should the development costs increase more.

Conduct a public hearing and consider adopting a resolution on the matter of closing the right-of-way of an unopened alley running parallel to Corban Ave SE.

The Planning and Neighborhood Development Services Deputy Director, Kevin Ashley, stated the proposal includes the abandonment of the right -of-way for a +/- 225- foot long alley that

runs behind 125 Corban Ave SE. This alley was originally part of the M.L. Widenhouse Subdivision, which was platted in 1914. The alley was never opened and is unimproved.

He stated staff provided notice to the petitioner and all adjacent property owners in accordance with the requirements of the NC General Statutes. All City departments have reviewed the petition and there were no objections to the petition.

Conduct a public hearing and consider adopting an ordinance annexing +/- 0.16 acres at 786 Bartram Ave, PIN 5539-30-7799, owned by Antigone Powell and Marsaille Powell.

The Planning and Development Manager, Autumn James, stated the request is for voluntary annexation of +/- 0.16 acres of property on Bartram Ave. This property is located in the Hallstead Subdivision, on the northeast side of the Zion Church Rd and Zion Church Rd East intersection. The property is currently zoned Cabarrus County MDR (Medium Density Residential). She further stated annexation is needed for the petitioner to receive City of Concord services. It is being requested the property be administratively zoned to RCO if annexation is approved.

Conduct a public hearing and consider adopting an ordinance annexing +/- 63.5 acres at 1201/1241 Odell School Rd, PIN p/o 4681-64-7428, owned by UNICA, UBO, for the construction of ninety-three (93) single-family detached homes.

The Development Review Manager, Monterai Adams, stated the request is for voluntary annexation of +/- 63.5 acres of property on Odell School Rd. The property is currently zoned Cabarrus County LDR (Low Density Residential). The developer has proposed to construct ninety-three (93) single-family detached homes on the site, where RM-2 design standards will be utilized.

Council Member Stocks stated she attended the neighborhood meeting regarding this request. She stated there were two residents at the meeting. They were not opposed to the development but were concerned with increased traffic.

Conduct a public hearing for case Z(CD)-04-23 and consider adopting an ordinance amending the official zoning map for +/- 0.83 acres located at 114 Kerr St. NW/217 Cedar Drive NW from RC (Residential Compact) to PUD (Planned Unit Development) and amend the 2030 Land Use Plan to modify the future land use designation of the parcel from "Civic Institutional" to "Urban Neighborhoods".

The Planning and Development Manager stated the request is for a WeBuild Concord project. She stated the Planning and Zoning Commission heard the petition at their June 20, 2023 meeting and voted to forward the request to City Council with a recommendation that the zoning map be amended from RC (Residential Compact) to PUD (Planned Unit Development) and to amend the 2030 Land Use Plan to designate the parcel as "Urban Neighborhoods."

Council Member Stocks asked if the additional parking would be located in the rear of the building. The Planning and Development Manager stated it would be.

Presentations of Petitions and Requests:

Consider adopting an interlocal agreement with Cabarrus County regarding an extension of the Central Area Plan.

The Planning and Neighborhood Development Services Deputy Director stated the City and County both adopted the Plan and in 2008, entered into an interlocal agreement, which contained requirements on the provision of water and sewer within the service areas. The agreement was effective for a period of fifteen (15) years with an expiration date of June 29, 2023.

He explained the following proposed changes: 1) allowing utility service to single service lots of records existing as of the date of the original agreement; 2) allowing utility capital improvement projects intended to resolve maintenance or operational issues, but not to serve new customers; 3) removing the term "employment center" which is not defined; and 4) referencing a boundary adjustment to Area A which is a result of an amended annexation agreement with the Town of Midland. The proposed changes will help minimize Council and County Commission approval of small exceptions.

He stated, if approved, the agreement will be extended to June 29, 2038. The Cabarrus County Commissioners will vote on the amended agreement at their August meeting.

Consider updating the Downtown Façade Improvement Grant program to enable retroactive funding for completed qualified façade projects since June 1, 2022.

The Planning and Neighborhood Development Services Director, Steve Osborne, stated the purpose of the Downtown Façade Improvement Grant Program is to encourage property owners or business tenants to improve their properties and to provide ways to activate the cityscape. Grant recipients may use funds for specified exterior building improvements including, but not limited to, lighting, signage, or awnings. Businesses must adhere to certain design guidelines and meet all program requirements detailed below to be eligible.

He stated grant amounts are up to \$5,000 within the MSD. Projects within the High Impact Area that align with current streetscape improvements construction are eligible for up to \$10,000 in grant money. Grant funding requires a 50% private match.

Receive a presentation of the final Master Plan for W.W. Flowe Park and consider approval and adoption of the Plan.

Parks and Recreation Department Deputy Director, Sheila Lowry, introduced consultant Nick Lowe with McAdams. Mr. Lowe presented the final Master Plan for W.W. Flowe Park for Council's consideration. This plan provides recommendations for future development and renovations based on the approved bond referendum and public input and includes updates to existing building, facilities, added walking paths and future connectivity to area neighborhoods and school.

Mr. Lowe stated Parks and Recreation staff, along with McAdams, secured public input through (2) two separate online surveys, public workshop at Fire Station 8 and received 546 participants, 8,897 responses, and 400 comments. He presented the overview of the survey results.

Consider approving the Concord Co-Sponsorship application for the Concord International Festival, to be held on September 30, 2023.

The Emergency Management Coordinator, Ian Crane, stated El Puente Hispano and the City of Concord partner to present the International Festival. The Festival celebrates diversity and multiculturalism through live music performances, cultural displays, and delicious food and drinks from around the world. The applicant is requesting in-kind services for the event. He stated in-kind services are estimated to total over \$22,000. The applicant submitted the required paperwork and City Departments have reviewed and signed off on the application.

Consider approving Neighborhood Matching Grant awards distribution requests for FY23-24 applicants.

The City Manager stated there is thirteen (13) projects that have been recommended for funding by the review committee.

The Community Outreach Coordinator, Katherine Ramirez, explained the thirteen projects. She also explained why Logan and Gibson Village did not submit a grant application this year.

Consider awarding bid for electric materials for 10,800 feet of 750 primary feeder cable and 11,000 feet of 1/0 primary feeder cable to WESCO Distribution, Inc.

The Electric Systems Director, Alex Burris, stated two bids were received on May 5, 2023 for electric materials for the purchase of 10,800 feet of 750 primary feeder cable and 11,000 feet of 1/0 primary feeder cable. WESCO Distribution, Inc was the lowest bidder at \$353,448 and was compliant in meeting the required specifications.

Consider awarding the bid for the rehabilitation of the North and South Gravel lots at the Concord-Padgett Regional Airport to J.D. Goodrum Co, Inc.

The Aviation Director, Dirk Vanderleest, stated three sealed bids were received on June 21, 2023 for improvements to the North and South Gravel Lots. The lowest bidder was J.D. Goodrum Co, Inc. in the amount of \$876,803.11. The Engineer's estimate for the construction was \$1,288,750.

He stated the project consists of asphalt paving, lighting, shelters and revenue control systems and is being funded by NCDOT-Aviation.

Consider awarding the total bid for the City of Concord's annual street preservation program to Blythe Construction Inc. and approve the attached budget ordinance to appropriate funds from reserve funds.

The Transportation Director, Phillip Graham, stated formal bids were opened on June 7, 2023 with Blythe Construction Inc. submitting the lowest total bid in the amount of \$3,137,926.91. Work such as patching, leveling, milling, resurfacing, re-striping, re-marking, and re-installation

of permanent raised pavement markings work on just under 22 lane miles of designated streets and 5,000 tons of patching on other City infrastructure will be performed, totaling a base bid of \$3,073,189.41.

He also stated the bid included an alternate for repairs the parking areas at Concord-Padgett Regional Airport, totaling \$64,737.50. Contract Final Completion date is 180 days from the Notice to Proceed.

Consider awarding the City of Concord's annual contract for the Installation of Traffic Signal Equipment and Associated Construction and Maintenance Work to Carolina Power & Signalization, LLC.

The Transportation Director stated the contract consists of providing traffic signal and associated construction/maintenance work in and adjacent to the City of Concord. This work provides for the installation, upgrade, or repair of signals on an as-needed basis and includes, but is not limited to: saw cutting roadway surfaces, placement of embedded loops and sealant, trenching, placement of conduit and junction boxes, installing poles, guys, span wire, cables, heads, visual detection equipment, and conduit.

He stated quotes were received on June 20, 2023 with Carolina Power & Signalization LLC submitting the lowest unit cost pricing. The contract is not to exceed \$150,000 per the FY 24 approved budget. The contract term is through June 30, 2024.

Consider adopting a resolution regarding the Yadkin-Pee Dee Water Management Group and the formation of a non-profit structure.

The Water Resources Director, Jeff Corley, stated member jurisdictions are adopting a resolution to affirm their membership and support of the transition of the Yadkin-Pee Dee Water Management Group to a non-profit. The non-profit structure will provide many benefits including increased grant funding opportunities and independent management of finances.

Consider adopting capital project ordinance amendments and operating budget amendments for the Fleet Services Facility project.

The Assistant City Manager, LeDerick Blackburn, stated Council had previously approved contracts with C Design for pre-design and design services and a contract with Edifice for preconstruction construction manager at risk services. The schematic design phase is complete along with the estimate of the cost of work.

He stated the original construction estimate from the predesign report completed at the end of 2021 was \$16,940,946. Even though the construction estimate included escalation which exceeded predictions, construction cost in 2022 continued to rise due to inflation, supply chain disruptions, and material price increases. The estimated overage amount of construction cost is \$6,613,358. The overage will be covered with General Fund Capital Reserves and cost allocations from departments.

He stated construction is anticipated to be complete in June 2024.

Consider adopting a resolution to convey a temporary construction easement to HSREI, LLC.

The Engineering Director, Sue Hyde, stated HSREI, LLC is developing property on Henrick Auto Plaza and will require a public sewer extension. The existing sewer is located on City property at the Rocky River Golf Club.

For that reason, HSREI, LLC is requesting temporary construction easements in order to extend public sewer to their development site. She stated staff has reviewed and discussed with golf course personnel and, if approved, the following conditions should apply: restore area to the existing grades, reestablish ground cover with sod to existing conditions (419 bermuda), temporary easement not to exceed six months unless agreed upon by both parties, no disruption of the green tees on hole 18, remove three trees (including stumps and all debris) with the construction easement area, type D buffer to be planted back (large holly species to be agreed upon between City Arborist and grantee) and phased construction fencing to be installed (fencing for safety and aesthetics to block off bore receiving pit and fencing for safety during trench installation of sewer main and manholes), and manholes to be installed flush with the ground.

Consider amending the Sewer Allocation Policy.

The Engineering Director stated City Council initially approved the Sewer Allocation Policy at their December 21, 2021 work session. The current proposed amendments are to allow for

reserving the bi-annual capacity from WSACC (true-up) until the next bi-annual assessment is made in order to cover any negative distributions and to allow for one six month extension for projects that request such extension.

Consider a Preliminary Application from Michael Cipriani.

The Engineering Director stated Michael Cipriani has submitted a preliminary application for water service outside the City limits. The property is located at 911 Silver Fox Road. The property is currently zoned LDR and the applicant is proposing a single family home. City sanitary sewer is not available to this parcel.

Consider appointing the Concord Kannapolis Area Transit (Rider) Director as Concord's alternate for the Metropolitan Transit Commission Ex Officio position.

The City Manager stated it is staff's recommendation to appoint the Concord/Kannapolis Area Transit Director as the alternate for the Metropolitan Transit Commission Ex Officio position.

Consent Agenda:

There were no comments regarding the consent agenda.

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A motion was made by Council Member Crawford and seconded by Mayor Pro-Tem McKenzie to conduct a closed session in accordance with N.C. General Statute 143-318.11(a)(3) to consult with the Attorney to protect the attorney-client privilege and to consider and give instructions concerning a potential or actual claim, administrative procedure, or judicial action, and to consider and give instructions concerning a judicial action titled City of Concord v. Barber Scotia College, Inc., and the PFAS/PFOS Class Action; N.C. General Statute 143-318.11(a)(4) to discuss matters relating to the location or expansion of business in the area served by this body; N.C. General Statute 143-318.11(a)(5) to establish or instruct the staff or agent on the negotiating position for acquisition of real property currently owned by the Grounds, located at "east of creek" for the purpose—the vote: all aye.

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There being no further business to be discussed, a motion was made by Council Member Stocks and seconded by Council Member Crawford to adjourn—the vote: all aye.

William C. Dusch, Mayor

Kim J. Deason, City Clerk